

Notice of Allowability

Application No.

09/880,917

Examiner

Man Phan

Applicant(s)

MUKAI ET AL.

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communications filed 06/15/2001.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 15 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 06/15/2001
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for allowance

1. This communication is in response to applicant's 06/15/2001 amendment in the application of Mukai et al. for an "Apparatus for outputting a signal, a method for outputting the signal, and a computer-readable storage medium storing a computer-executable program for operating a computer to output the signal" filed 06/15/2001. This application claims foreign priority based on the application 2000-400250 filed December 28, 2000 in Japan. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a) – (d), which papers have been placed of record in the file.

2. Claims 1-19 are allowable.

3. The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a no obvious improvement over the prior art of record. The improvement comprises: a signal output schedule setter for setting a signal output schedule for each of the unit time by defining a certain output amount of the signal out of the total output amount of the signal per the unit time as a first output group and further defining a difference between the total output amount of the signal per the unit time and the output amount of the signal in the first output group as at least more than one second output group, and when an output delay signal, which is not output within a specific unit time, is caused by stopping output due to at least partial overlapping of the specific unit time and the time of stopping output signal, and therefore the total output amount of the signal in the specific unit time is reduced, for setting

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the signal output schedule for outputting the output delay signal, which is not output within the specific unit time, in another unit time following the specific unit time by reducing the output amount of the signal in at least one second output group in the other unit time, as expressly recited in the claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Karasawa (US#6,834,052) is cited to show the band management circuit.

The Hijikata et al. (US#6,633,541) is cited to show the ascending transmission speed controlling method and communication system in ATM-PON system.

The Tsuruta (US#6,160,815) is cited to show the band setting apparatus for suppressing cell delay variation.

The Umayabashi et al. (US#6,747,990) is cited to show the packet communication system, network-side apparatus to be used therein, and time slot allocation control method.

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The Suzuki et al. (US#2001/0055314) is cited to show the dynamic bandwidth assignment system and dynamic bandwidth assignment method capable of reducing cell transmission delay.

The Kim et al. (US#2004/0202174) is cited to show the ATM-PON ONU controlling apparatus.

The Tsuruta (US#6,850,711) is cited to show the unused band use right acquisition controlling method and passive optical network for the same.

The Mestdagh et al. (US#5,331,316) is cited to show the communication system including allocating free signaling channels to individual substations having data to transmit.

6. ***Any response to this action should be mailed to:***

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

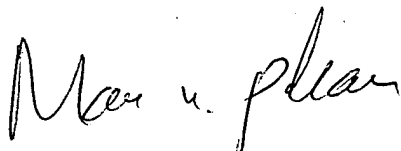
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306/9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

MPhan

May 06, 2005



MAN U. PHAN
PRIMARY EXAMINER